

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

EDWARD JAMES McNATT,

Petitioner,

v.

JUDGE OLIVER J. LOBAUGH, et al.,

Respondents.

Civil Action No. 05-124 Erie

MEMORANDUM ORDER

This petition for writ of habeas corpus was received by the Clerk of Court on April 27, 2005 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Chief Magistrate Judge's Report and Recommendation, filed on July 17, 2008 [44], recommends that the Petition for Writ of *Habeas Corpus* be denied, that the proposed findings of fact and conclusions of law set forth therein be adopted by this Court, and that a certificate of appealability be denied. The parties were allowed ten (10) days from the date of service in which to file objections. Objections were filed by the Petitioner on August 12, 2008 [46]. On August 30, 2008, Respondents filed their response [48] in opposition to the Petitioner's objections. After de novo review of the petition and documents in the case, together with the Report and Recommendation, the Petitioner's objections and the Respondents' response thereto, the following order is entered:

AND NOW, this 10th day of October, 2008;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is DENIED and that a certificate of appealability is DENIED.

The July 17, 2008 Report and Recommendation of Chief Magistrate Judge Baxter [44], as well as the proposed findings of fact and conclusions of law contained therein, are adopted as the opinion of the Court.

/s/ Sean J. McLaughlin
SEAN J. McLAUGHLIN
United States District Judge

cm: All parties of record.
Chief U.S. Magistrate Judge Susan Paradise Baxter